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A Professional Corporation
540 Pacific Avenue
San Francisco, CA 94133
Telephone: 415.341.1144
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Electronic mail: paulnathan@nathanlawoffices.com

Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

DONNA GARCIA,

Plaintiffs,

v.

RESURGENT CAPITAL FINANCIAL
SERVICES, INC., LVNV FUNDING, LLC,
THE BRACHFELD LAW GROUP, P.C.,
et al.,

Defendant(s).

Case No. 11-01253 EMC

**DECLARATION OF PAUL H. NATHAN IN SUPPORT
OF PLAINTIFF'S MOTION FOR AN ORDER
COMPELLING CORPORATE REPRESENTATIVE
TO APPEAR AND TESTIFY AT TRIAL**

The Honorable Edward Chen

I, PAUL H. NATHAN, declare,

I am an attorney for plaintiff in this action and I have personal knowledge of each fact
stated in this declaration.

I spoke with defendant Brachfeld Law Group's counsel/30(b)(6) Designee Jon Birdt, Esq.,
on April 12th, 2012, regarding witnesses' plaintiff anticipated calling in her case in chief at trial. I

1 informed Mr. Birdt that plaintiff intended to call him, Mr. Birdt, in her case in chief. Mr. Birdt told
2 me he did not anticipate a problem with plaintiff's proposed witness list.

3 Thereafter, I electronically mailed a written stipulation, attached as Exhibit A herein, to Mr.
4 Birdt on April 12th, 2012. Mr. Birdt then responded via electronic mail that the stipulation was not
5 what he had contemplated nor was he sure he would even be present at trial. Therefore, he refused
6 to sign the stipulation.

7 Since, Mr. Birdt has provided plaintiff's counsel with Brachfeld's proposed witness list,
8 which includes Jonathan Birdt and Erica Brachfeld.

9 On April 18, 2012, at 9:39 a.m. I telephoned and spoke with defendant Resurgent/LVNV
10 counsel David Dalby to inform him plaintiff was seeking an ex parte motion shortening time to
11 hear plaintiff's motion to compel attendance at trial in plaintiff's case in chief of witnesses Jean
12 Paul Torres, Erica Brachfeld, and Jonathan Birdt. Mr. Dalby informed me Mr. Torres would be in
13 physical attendance at trial. I asked Mr. Dalby to stipulate to Mr. Torres appearing at trial in
14 plaintiff's case in chief. He told me he would think about this proposition.

15 On April 18, 2012, at 9:43 a.m. I telephoned and spoke with defendant Brachfeld Law
16 Group's counsel Jonathan Birdt to inform him plaintiff was seeking an ex parte motion shortening
17 time to hear plaintiff's motion to compel the attendance at trial in plaintiff's case in chief of
18 witnesses Jean Paul Torres, Erica Brachfeld, and Jonathan Birdt. He asked me for the legal basis
19 for Plaintiff's motion to compel and I explained that per Northern District precedent the Court
20 could compel a party's attendance at trial. Furthermore, I explained, Erica Brachfeld is an officer
21 and Mr. Birdt the corporate designee of defendant Brachfeld Law Group essentially making those
22 witnesses, serving in their capacity, defendants in this case.

23 Ms. Brachfeld is the president of Brachfeld Law Group, P.C. Nathan Decl., **Exhibit 1**
24 (deposition of Brachfeld Law Group, P.C. (Jon Birdt 20:4-10). Ms. Brachfeld was disclosed as a
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1 fact witness in Brachfeld's initial disclosures regarding, "Plaintiff's account, collection policies and
2 practices, validity of Plaintiff's allegations, and Defendant's affirmative defenses." Nathan Decl.,
3 **Exhibit 2**. Ms. Brachfeld also signed and verified Defendant's interrogatory responses. Nathan
4 Decl., **Exhibit 3**.

5 At his earlier deposition Jon Birdt, refused to testify on the subject of Brachfeld Law Group
6 P.C.'s financial condition (and may not have sufficient knowledge of such). Additionally, while
7 Defendant produced some tax returns, they are not the most recent, were redacted, and defendants
8 refused to stipulate to their contents

9 Plaintiff's efforts to stipulate regarding Brachfeld's financial condition were rejected with
10 Defendant citing privacy concerns.
11

12
13 I declare under penalty of perjury under the laws of the State of California that the
14 foregoing is true and correct.

15
16 DATED: April 18, 2012

17 _____/S/_____
18 PAUL H. NATHAN
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EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

DONNA GARCIA,)	
)	
Plaintiff,)	
)	
vs.)	No. 11-01253 EMC
)	
RESURGENT CAPITAL FINANCIAL)	
SERVICES, INC., LVNV FUNDING,)	
LLC, THE BRACHFELD LAW GROUP,)	
P.C., et al.,)	
)	
Defendants.)	
<hr/>)

VOLUME I

**DEPOSITION OF THE BRACHFELD LAW GROUP, PC'S CORPORATE
DESIGNEE PURSUANT TO FRCP 30(B)(6)**

(JONATHAN BIRDT, ESQ.)

Toluca Lake, California

Tuesday, November 1, 2011

REPORTED BY:

**KRISTIN L. MATTSSEN
CSR NO. 12897**

**JOB NO.
68357WIL/A**

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DONNA GARCIA,)	
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Plaintiff,)	
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vs.)	No. 11-01253 EMC
)	
RESURGENT CAPITAL FINANCIAL)	
SERVICES, INC., LVNV FUNDING,)	
LLC, THE BRACHFELD LAW GROUP,)	
P.C., et al.,)	
)	
Defendants.)	
_____)	

Deposition of THE BRACHFELD LAW GROUP, PC'S
CORPORATE DESIGNEE PURSUANT TO FRCP
30(B)(6) (JONATHAN BIRDT, ESQ.), VOLUME I,
taken on behalf of the Plaintiff, at 10868
Kling Street, Toluca Lake, California,
commencing at 8:44 a.m., on Tuesday,
November 1, 2011, before Kristin L.
Mattsen, CSR No. 12897, a Certified
Shorthand Reporter in and for the County of
Los Angeles, State of California.

1 Q As corporate counsel, how many people at
2 Brachfeld report to you?

3 A Formally, I would say none.

4 Q Do you report to anyone?

5 A Erica Brachfeld.

6 Q Anyone else?

7 A No.

8 Q Who is Erica Brachfeld?

9 A She's the president of The Brachfeld Law Group,
10 PC.

11 Q How often do you report to her?

12 A I'm not sure I understand your question.

13 Q Do you see her on a daily basis?

14 A No.

15 Q How often do you see her?

16 A Three or four times a month.

17 Q Do you meet physically when you meet with
18 Ms. Brachfeld or when you see her?

19 A Once or twice a month.

20 Q What items do you report to her about?

21 A Could be anything involving my scope of
22 activities.

23 Q Such as?

24 A That would be privileged.

25 Q When you meet with her to report to her, for

EXHIBIT 2

1 Erica L. Brachfeld, Esq. (State Bar No. 180683)
2 THE BRACHFELD LAW GROUP, P.C.
3 880 Apollo Street, Suite 155
4 El Segundo, California 90245
5 Telephone: (310) 273-7867
6 Facsimile: (310) 273-9867
7 Email: compliance@brachfeldcollections.com

8 Attorney for Defendant,
9 THE BRACHFELD LAW GROUP, P.C.

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11 UNITED STATES DISTRICT COURT
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13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 DONNA GARCIA,

15 Plaintiff,

16 vs.

17 RESURGENT CAPITAL SERVICES L.P.,
18 LVNV FUNDING, LLC, THE BRACHFELD
19 LAW GROUP, P.C.,

20 Defendants.

CASE NO.: CV11-01253

DEFENDANT THE BRACHFELD LAW
GROUP, P.C.'S RULE 26 INITIAL
DISCLOSURE STATEMENT

21 Defendant THE BRACHFELD LAW GROUP, P.C., ("Defendant"), pursuant to Rule 26
22 of the Federal Rules of Civil Procedure, hereby discloses the following information:

- 23 (i) The name, address and telephone number of each individual likely to have
24 discoverable information – along with the subject of that information – that
25 the disclosing party may use to support its claims or defenses, unless the use
26 would be solely for impeachment.

27 a. Erica L. Brachfeld. 880 Apollo Street, Suite 155, El Segundo, California
28 90245. This individual will have knowledge regarding Plaintiff's account(s),

1 collection policies and practices, validity of Plaintiff's allegations, and
2 Defendant's affirmative defenses.

3 b. Person most knowledgeable of The Brachfeld Law Group, P.C., who can be
4 reached through the attorney at 880 Apollo Street, Suite 155, El Segundo,
5 California 90245, Tel: (310) 273-7867. The identity of this individual has not
6 been determined at this early stage. This individual will have knowledge
7 regarding Plaintiff's account(s), collection policies and practices, validity of
8 Plaintiff's allegations, and Defendant's affirmative defenses.

9 c. Plaintiff Donna Garcia regarding the allegations contained in the Complaint.

10 d. Individuals/witnesses listed by Plaintiff in Plaintiff's Initial Disclosure
11 Statement.

12 e. Person most knowledgeable of RESURGENT CAPITAL SERVICES, L.P.,
13 regarding the allegations contained in Plaintiff's Complaint, and its affirmative
14 defenses.

15 f. Person most knowledgeable of LVNV FUNDING, LLC regarding the
16 allegations contained in Plaintiff's Complaint, and its affirmative defenses.

17 g. Other individuals identified during discovery. Investigation is ongoing and
18 Defendant reserves the right to amend/supplement this Initial Disclosure
19 Statement.

20 (ii) A copy – or a description by category and location – of all documents,
21 electronically stored information, and tangible things that the disclosing party
22 has in its possession, custody or control and may use to support its claims or
23 defenses, unless the use would be solely for impeachment.

24 Sample collection letter, file notes, and policies of Defendant. Defendant reserves
25

1 the right to amend this statement to include any other documents that are
2 subsequently discovered.

3 (iii) **A computation of each category of damages claimed by the disclosing party –**
4 **who must also make available for inspection and copying as under Rule 34**
5 **the documents or other evidentiary material, unless privileged or protected**
6 **from disclosure, on which each computation is based, including materials**
7 **bearing on the nature and extent of injuries suffered.**

8 Defendant contends that this action was brought against Defendant in bad faith and
9 for the purpose of harassment and that it is entitled to its attorneys' fees and costs.

10 (iv) **For inspection and copying as under Rule 34, any insurance agreement under**
11 **which an insurance business may be liable to satisfy all or part of a possible**
12 **judgment in the action or to indemnify or reimburse for payments made to**
13 **satisfy the judgment.**

14 None.

15 Dated: June 21, 2011

16 THE BRACHFELD LAW GROUP, P.C.

17
18 /s/ Erica L. Brachfeld

19 Erica Brachfeld

20 The Brachfeld Law Group, P.C.

21 880 Apollo St., Suite 155

22 El Segundo, CA 90245

23 Tel: (310) 273-7867

24 Fax: (310) 273-9867

25 compliance@brachfeldcollections.com

26 Attorney for Defendant

1 **ERICA L. BRACHFELD, Esq., State Bar No. 180683**
2 **THE BRACHFELD LAW GROUP, P.C.**
3 880 Apollo Street, Suite 155
4 El Segundo, California 90245
5 Telephone: (310) 273-7867
6 Facsimile: (310) 273-9867
7 Email: compliance@brachfeldcollections.com
8 **Attorney for Defendant,**
9 **THE BRACHFELD LAW GROUP**

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DONNA GARCIA

Plaintiff,

vs.

RESURGENT CAPITAL SERVICES, L.P.,
LVNV FUNDING, LLC, THE BRACHFELD
LAW GROUP, P.C. a.k.a. BRACHFELD &
ASSOCIATES, P.C. and does 1-10

Defendant.

CASE NO.: CV-11-01253

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE BY MAIL

I, Irene Velasco, declare:

I am employed in Los Angeles County. I am over the age of 18 years and not a party to the within action. My business address is The Brachfeld Law Group, P.C., 880 Apollo Street, Suite 155, El Segundo, California 90245.

I am readily familiar with The Brachfeld Law Group, P.C.'s practice of collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary

1 course of business, correspondence would be deposited with the United States Postal Service on
2 this date.

3 On this date, I served

4 **DEFENDANT THE BRACHFELD LAW GROUP, P.C.'s RULE 26 INITIAL**
5 **DISCLOSURE STATEMENT**

6 On each person listed below, by placing the document(s) described above in an envelope
7 addressed as indicated below, which I sealed. I placed the envelope(s) for collection and mailing
8 with the United States Postal Service on this day, following ordinary business practices at The
9 Brachfeld Law Group, P.C.

10 **Attorney for Plaintiff- Donna Garcia**

11 Ronald Wilcox Esq.
12 LAW OFFICE OF RONALD WILCOX
13 1900 The Alameda, Suite 350
San Jose, California 95126

14 **Attorney for Defendant's - Resurgent Capital Services, L.P. and**
15 **LVNV Fundng, LLC**

16 David I Dalby, Esq.
17 Renee c. Ohlendorf, Esq.
18 HINSHAW & CULBERTSON, LLP
19 1 California Street, 18th Floor
20 San Francisco, California 94111

21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct. Executed at El Segundo, California on June 22, 2011.


23 
24 Irene Velasco

EXHIBIT 3

1 **Erica L. Brachfeld, Esq.** (State Bar No. 180683)
2 **Jonathan W. Birdt, Esq.** (State Bar No. 183908)
3 **THE BRACHFELD LAW GROUP, P.C.**
4 880 Apollo Street, Suite 155
5 El Segundo, California 90245
6 Telephone: (310) 273-7867
7 Facsimile: (310) 273-9876
8 ebrachfeld@brachfeldcollections.com

9 Attorney for Defendant,
10 **THE BRACHFELD LAW GROUP,**
11 **A PROFESSIONAL CORPORATION**

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 **DONNA GARCIA,**

15 Plaintiff,

16 vs.

17 **RESURGENT CAPITAL SERVICES, L.P,**
18 **LVNV FUNDING, LLC, and THE**
19 **BRACHFELD LAW GROUP, P.C.,**

20 Defendant(s).

) **Case No.: CV11-01253 EMC**

) **DEFENDANT RESPONSES TO**
) **PLAINTIFF'S**
) **INTERROGATORIES, SET ONE**

21
22
23 **TO: Plaintiff Donna Garcia and her attorneys.**

24
25 **COMES NOW Defendant, The Brachfeld Law Group, P.C. ("Brachfeld") by and**
26 **through their attorney and hereby responds to Plaintiff's First Set of Discovery Requests**
27 **as follows:**
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7. Brachfeld objects to Plaintiff's discovery to the extent that it seeks the opinions, mental impressions, conclusions or legal theories of Defendant Brachfeld's counsel.

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1 8. Brachfeld objects to Plaintiff's discovery to the extent that it seeks
2 information protected from disclosure by the attorney-client privilege, the work-product
3 doctrine, the joint defense privilege, common interest doctrine, or any other rule of
4 privilege, protection or confidentiality.
5

6 9. Brachfeld objects to Plaintiff's discovery to the extent that it seeks
7 information that contains or constitutes trade secrets proprietary information, or other
8 privileged or confidential materials.
9

10 INTERROGATORIES

11 12 FACT WITNESSES

13 **Interrogatory No. 1:** List by name, alias, job title, last known address and telephone number, and
14 dates of employment of each of your employees, agents, or servants who communicated (orally or
15 in writing) with Plaintiff. Provide the date, time, location and subject matter of each such
16 communication or contact.
17

18 **Interrogatory Responses No. 1:** The only record of a conversation with Plaintiff is by Betty
19 Gonzalez on 3/16/09 when Plaintiff called in to advise that her ex husband was in jail. Plaintiff
20 wanted the derogatory item removed from her credit report, admitted it was her debt, got upset
21 and ended the call.

22 **Interrogatory No. 2:** Identify each person who you believe has any knowledge of any of the
23 relevant or material facts in this matter and is not listed in the previous interrogatory, and state as
24 to each person: a) name and address; b) the subject matter on which such person has knowledge;
25 and c) the substance of the facts to which such person has such knowledge.
26

27 **Interrogatory Responses No. 2:** Betty Gonzalez could and would testify to authenticity of her
28 note.

1
2 **Interrogatory No. 3:** Identify and describe each communication, or attempted communication,
3 between the Defendant with the Plaintiff, or any other person, which was made in connection
4 with the collection of Plaintiff's account, by stating the name of the individual initiating
5 communication, the date of the communication, the method of the communication (e.g. letter,
6 phone call, in-person), a detailed analysis of the substance of the communication, (do not simply
7 refer to collection notes), all witness to or participants in the communication, and, any actions
8 taken by the Defendant as a result of the communication.
9

10 **Interrogatory Responses No. 3:** The only record of a conversation with Plaintiff is as set forth
11 above in response to number 1. Defendant received the first and only written communication
12 from Plaintiff on 2/14/11 and thereafter ceased all attempts to reach her by phone.
13
14

15 **AFFIRMATIVE DEFENSES**

16 **Interrogatory No. 4:** State all facts, identify every witness, and describe each document upon
17 which Defendant will rely to support its affirmative defenses.

18 **Interrogatory Responses No. 4:** This request is overbroad, not narrowly tailored and seeks to
19 invade the attorney work product doctrine by inquiring into the thoughts of counsel.
20

21 **Interrogatory No. 5:** State the procedures Defendant maintains to avoid the Fair Debt Collection
22 Practices Act violations alleged in the complaint.

23 **Interrogatory Responses No. 5:** This request is overbroad, not narrowly tailored and assumes
24 facts not in evidence. Defendant provides comprehensive training and oversight for all of its'
25 employees to insure continued compliance with all legal obligations.
26
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1 **Interrogatory No. 6:** State in complete detail the facts upon which you rely for each affirmative
2 defense listed in your answer.

3 **Interrogatory Responses No. 6:** This request is overbroad, not narrowly tailored and seeks to
4 invade the attorney work product doctrine by inquiring into the thoughts of counsel.
5

6 **IDENTIFY WITHHELD DOCUMENTS**

7 **Interrogatory No. 7:** If any document responsive to Plaintiff's Request for Production of
8 Documents is withheld from production, identify each such document by date, title, subject
9 matter, length and the request to which it is potentially responsive and state the reason for
10 withhold production, and identify each person to whom the document was sent, shown, or made
11 accessible, or to whom it was explained.
12

13 **Interrogatory Responses No. 7:** Please see Defendants response served concurrently herewith.

14 **FINANCIAL CONDITION**

15 **Interrogatory No. 8:** Identify the net worth, including the assets and liabilities, of Defendant.

16 **Interrogatory Responses No. 8:** This request is not relevant to any issue in this litigation.
17

18 Dated: July 14, 2011

THE BRACHFELD LAW GROUP, P.C.,

19
20 By: 

Jonathan W. Birdt, (#183908)

21 **THE BRACHFELD LAW GROUP, P.C.**

22 880 Apollo Street, Suite 155

23 El Segundo, California 90245

Telephone: (310) 273-7867

24 Facsimile: (310) 273-9876

ebrachfeld@brachfeldcollections.com

25 ATTORNEYS FOR DEFENDANT

26 THE BRACHFELD LAW GROUP, P.C.
27
28

VERIFICATION

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

**DONNA GARCIA v. RESURGENT CAPITAL SERVICES, L.P., LVNV
FUNDING, LLC, AND THE BRACHFELD LAW GROUP, P.C.**

CASE NO.: CV11-01253 EMC

I have read the foregoing **DEFENDANT'S RESPONSE TO PLAINTIFF'S
INTERROGATORIES, SET ONE** and know its contents.

☐ I am a party to this action. The answers stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those answers, I believe them to be true.


☒ I am a representative for the Brachfeld Law Group, P.C., a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason, ☒ I am informed and make believe and on that ground allege that the answers stated in the foregoing document are true. ☐ The answers stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those answers I believe them to be true.

☐ I am one of the representatives for The Brachfeld Law Group, A California Professional Corporation, a party to this action. Such party is absent from the county where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the answers in the foregoing document are true.

Executed on July14, 2011, at El Segundo, California.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Erica L. Brachfeld, Esq.
Printed Name of Signator


Signature

AFFIDAVIT AND DECLARATION OF PROOF OF SERVICE

STATE OF CALIFORNIA)
) SS.
COUNTY OF LOS ANGELES)

I, the undersigned, am employed in the County aforesaid; I am over the age of eighteen years and not a party to the within action.

I am employed by The Brachfeld Law Group, P.C., 880 Apollo Street, Suite 155, El Segundo, CA 90245

On, July 14, 2011, I served the within document entitled **DEFENDANT THE BRACHFELD LAW GROUP, P.C.'s RESPONSES TO PLAINTIFF' INTERROGATORIES SET ONE**

On the interested parties in this action by placing a true copy thereof, enclosed in a sealed envelope addressed as follows:

**RONALD WILCOX
ATTORNEY AT LAW
1900THE ALAMEDA, SUITE 530
SAN JOSE, CALIFORNIA 95126**

☒ **(BY MAIL)** As follow: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under the practice it would be deposited with United States postal service on that same day with postage thereon fully prepaid at El Segundo, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit. [C.C.P. §§ 1013A (3) and 2015.5]

☐ **(BY CERTIFIED MAIL)** I caused such envelope(s) with postage thereon fully prepaid via Certified Mail Return Receipt Requested to be placed in the United States Mail in El Segundo, California.

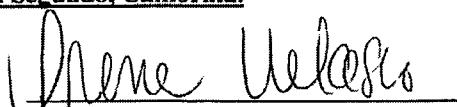
☐ **(BY FACSIMILE)** I caused the above-described document(s) to be transmitted to the offices of the interested parties at the facsimile number(s) input fax number here (s) generated by facsimile number (310) 273-9867 (El Segundo) indicated all pages were transmitted. [C.C.P. §1013A(3) AND 2015.5]

☐ **(BY FEDERAL EXPRESS NEXT DAY AIR)** By delivering to a FEDERAL EXPRESS representative, in an envelope designated by FEDERAL EXRPRESS with delivery fees paid or provided for, addressed to the individual listed above, at the address listed above. [C.C.P. § 1013(c)]

☐ **(BY PERSONAL SERVICE)** By personally delivering copies to the individual listed above at the address listed above or by personally delivering copies to the office of the individual listed above at the address listed above, in a package clearly labeled to identify the personal being served, with a receptionist or with a person in charge. [C.C.P. § 1011]

☒ **(STATE)** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this Thursday, July 14, 2011, in El Segundo, California.


Irene Velasco

**Attorney for Defendant,
THE BRACHFELD LAW GROUP,
A PROFESSIONAL CORPORATION**

DONNA GARCIA,

Plaintiff,

vs.

RESURGENT CAPITAL SERVICES, L.P,
LVNV FUNDING, LLC, and THE
BRACHFELD LAW GROUP, P.C.,

Defendant(s).

) Case No.: CV11-01253 EMC
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)
) **DEFENDANT THE BRACHFELD LAW**
) **GROUP, P.C.'S RESPONSES TO**
) **PLAINTIFF'S REQUEST FOR**
) **PRODUCTION OF DOCUMENTS SET**
) **ONE**
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COMES NOW Defendant, The Brachfeld Law Group, A Professional Corporation
 (“Brachfeld”) by and through their attorney and hereby responds to Plaintiff’s First Set of
 Requests for Production, as follows:

1
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3 **I. GENERAL OBJECTIONS**

4 1. Brachfeld objects to Plaintiff's discovery to the extent that it seeks to impose
5 burdens not contemplated by the Federal Rules of Civil Procedure or to alter or expand its
6 obligations thereunder.

7 2. Brachfeld objects to Plaintiff's discovery to the extent that it calls for information
8 within Plaintiff's knowledge or to which Plaintiff has equal access on the grounds that they are
9 unduly burdensome, oppressive, harassing and vexatious, and go beyond any legitimate need of
10 Plaintiff for discovery.

11 3. Brachfeld objects to Plaintiff's discovery to the extent that it seeks information or
12 documents, regarding persons and entities other than Defendant Brachfeld, that they are either
13 unable to or not required to testify regarding.

14 4. Brachfeld objects to Plaintiff's discovery to the extent that it is beyond the scope
15 of the instant matter.

16 5. Brachfeld objects to Plaintiff's discovery to the extent that it is overly broad,
17 vague, unduly burdensome, harassing, cumulative or duplicative, and vexatious.

18 6. Brachfeld objects to Plaintiff's discovery to the extent that it seeks information
19 neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the
20 discovery of admissible evidence.

21 7. Brachfeld objects to Plaintiff's discovery to the extent that it seeks the opinions,
22 mental impressions, conclusions or legal theories of Defendant Brachfeld's counsel.

23 8. Brachfeld objects to Plaintiff's discovery to the extent that it seeks information
24 protected from disclosure by the attorney-client privilege, the work-product doctrine, the joint
25 defense privilege, common interest doctrine, or any other rule of privilege, protection or
26 confidentiality.
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1 9. Brachfeld objects to Plaintiff's discovery to the extent that it seeks information
2 that contains or constitutes trade secrets proprietary information, or other privileged or
3 confidential materials.

4 **II. REQUESTS FOR PRODUCTION OF DOCUMENTS**

5 **DEFENDANT'S EFFORTS TO COLLECT**

6
7 **Request No. 1:** All collection records maintained by Defendant as to Plaintiff's account, with a
8 key to abbreviations used thereon, such as codes for letters, personnel, activities.

9 **Response to No. 1:** Defendant is a law firm and its' records are protected by the attorney client
10 privilege. Defendant is attaching hereto a complete record of its' communications with the
11 Plaintiff (client communication redacted) and the requested key.

12
13
14 **Request No. 2:** All Documents, logs and correspondence relating to Plaintiff's alleged debt to
15 Creditor.

16 **Response to No. 2:** Defendant is a law firm and its' records are protected by the attorney client
17 privilege. Defendant is attaching hereto a complete record of its' communications with the
18 Plaintiff (client communication redacted) and the requested key.

19
20
21 **Request No. 3:** All telephone billing records regarding any telephone calls placed relating to
22 Plaintiff.

23 **Response to No. 3:** Defendant is a law firm and its' records are protected by the attorney client
24 privilege. Defendant is attaching hereto a complete record of its' communications with the
25 Plaintiff (client communication redacted) and the requested key.

1 **Request No. 4:** All Documents transmitted to Plaintiff by or on behalf of Creditor or any other
2 person or entity with regard to the alleged debt to Creditor.

3 **Response to No. 4:** This request is confusing. Assuming, this request seeks documents actually
4 sent to plaintiff, Plaintiff would be in possession of those documents. Defendant only maintains a
5 record that documents were sent, not actual copies of what was transmitted.
6

7
8 **Request No. 5:** Produce any insurance agreement under which any person carrying on an
9 insurance business may be liable to satisfy all or part of a judgment which may be entered herein
10 or indemnify or reimburse for payments made to satisfy the judgment.

11 **Response to No. 5:** None.
12

13
14 **POLICIES AND PROCEDURES**

15 **Request No. 6:** All manuals procedures and protocols used by Defendant to comply with the Fair
16 Debt Collection Practices Act ("FDCPA")

17 **Response to No. 6:** This request is not narrowly tailored, is overbroad and seeks information not
18 reasonably related to the subject litigation. Defendant does agree to make its training and
19 procedure manual available for inspection as it is kept in the normal course of business upon
20 reasonable notice and to copy those portions counsel agree are related to any allegation at issue in
21 this litigation subject to a suitable protective order.
22

23
24 **COMPLAINTS AND JUDGMENTS**

25 **Request No. 7:** A copy of all complaints, judgments, and consent orders relating to Defendant's
26 conduct in the collection of individuals' debts to creditors, from 2008-2011.

27 **Response to No. 7:** This request is not narrowly tailored, is overbroad and seeks information not
28

1 reasonably related to the subject litigation.

2
3 **Request No. 8:** All documents relating to complaints filed with the Better Business Bureau
4 ("BBB") against Defendant including Defendant's investigation of its responses to the BBB
5 regarding such complaints.
6

7 **Response to No. 8:** This request is not narrowly tailored, is overbroad and seeks information not
8 reasonably related to the subject litigation.
9

10 **CREDIT REPORTING**

11 **Request No. 9:** All credit reports Defendant obtained relating to Plaintiff.

12 **Response to No. 9:** None.
13
14

15 **AGREEMENTS WITH OTHER PARTIES**

16 **Request No. 10:** All agreements of Defendant with any entity concerning servicing all collection
17 of the debt of Plaintiff.

18 **Response to No. 10:** Defendant objects to this request as it seeks to invade the attorney client
19 privilege.
20

21 **FINANCIAL CONDITION**

22 **Request No. 11:** Documents sufficient to identify the net worth of Defendant including but not
23 limited to financial statements (i.e. balance sheet, income statement, etc).
24

25 **Response to No. 11:** Defendant objects to this request as it seeks information not reasonably
26 related to the subject litigation and in violation of the right of privacy of defendants shareholders,
27 officers and employees. Moreover, this request is made for the sole purpose of annoying and
28

1 harassing the defendant and as such is improper.

2
3 **Request No. 12:** Defendant's federal and state income tax returns, including schedules, for the
4 past three years.

5 **Response to No. 12:** Defendant objects to this request as it seeks information not reasonably
6 related to the subject litigation and in violation of the right of privacy of defendants shareholders,
7 officers and employees. Moreover, this request is made for the sole purpose of annoying and
8 harassing the defendant and as such is improper.
9

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13 Dated: July 14, 2011

THE BRACHFELD LAW GROUP, P.C.,

14
15
16 By: 

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ATTORNEYS FOR DEFENDANT

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VERIFICATION

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

**DONNA GARCIA v. RESURGENT CAPITAL SERVICES, L.P., LVNV
FUNDING, LLC, AND THE BRACHFELD LAW GROUP, P.C.**

CASE NO.: CV11-01253 EMC

I have read the foregoing **DEFENDANT'S RESPONSE TO PLAINTIFF'S REQUEST
FOR PRODUCTION OF DOCUMENTS, SET ONE** and know its contents.

☐ I am a party to this action. The answers stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those answers, I believe them to be true.

☒ I am a representative for the Brachfeld Law Group, P.C., a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason, ☒ I am informed and make believe and on that ground allege that the answers stated in the foregoing document are true. ☐ The answers stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those answers I believe them to be true.

☐ I am one of the representatives for The Brachfeld Law Group, A California Professional Corporation, a party to this action. Such party is absent from the county where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the answers in the foregoing document are true.

Executed on July14, 2011, at El Segundo, California.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Erica L. Brachfeld, Esq.
Printed Name of Signator


Signature